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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,272	11/18/2003	Roland L. Roberts	LEDS.00115	6051

7590 05/23/2007
THE LAW OFFICE OF STEPHEN R. LOE
P.O. Box 649
Frisco, TX 75034

EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

MAIL DATE	DELIVERY MODE
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05/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,272

Applicant(s)

ROBERTS ET AL.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 13, 17, 18, 21, 22 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 8, 9, 12, 13, 17, 18, 21, 22, 26 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-7, 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 11/14/2006, which was received 3/7/2007. Acknowledgement is made to the amendment to claim 1 and the addition of claims 28-33. Applicant's amendment has been carefully considered and was found to be persuasive, however after further searching the following new ground of rejection follows which was necessitated by amendment.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,28,29 and 33) are rejected under 35 U.S.C. 102(b) as being anticipated by Shapiro (US PG PUB 2002/0059283).

In regards to claim 1, Shapiro discloses a method for increasing sales and decreasing cost of marketing for a product or a service by identifying potential customers of the product or the service, the method comprising:

- determining a set of criteria questions identified as being important in determining whether to attempt to sell the product or the service to the potential client (FIG 1, script);
- determining a set of possible answers to each of the criteria questions (FIG 8B);
- assigning a respective weighting factor to each criteria question (para 0050);
- assigning a respective weighting factor to each possible answer for a criteria question (FIG 8b, value);

determining answers to each of the criteria questions (FIG 8B); and
calculating a qualifying score (FIG 7),
wherein the qualifying score is used to determine whether to attempt to sell the
product or the service to the potential customer (Fig 7).

In regards to claim 2, Shapiro teaches a wherein the answers to at least some
of the criteria questions are determined via user input (FIG 8B).

In regards to claim 28, Shapiro discloses a computer program product
comprising a computer readable medium having computer readable program code for
executing method steps for increasing sales and decreasing cost of marketing for a
product or a service by identifying potential customers of the product or the service, the
method steps comprising:

determining a set of criteria questions identified as being important in determining
whether to attempt to Sell the product or the service to the potential client;
determining a set of possible answers to each of the criteria questions;
assigning a respective weighting factor to each criteria question;
assigning a respective weighting factor to each possible answer for a criteria
question; determining answers to each of the criteria questions; and
calculating a qualifying score,

wherein the qualifying score is used to determine whether to attempt to sell the product or the service to the potential customer (see response to claim 1).

In regards to claim 29, Shapiro teaches a wherein the answers to at least some of the criteria questions are determined via user input (see response to claim 2).

In regards to claim 33, Shapiro discloses a computer-implemented method for increasing sales and decreasing cost of marketing for a product or a service by identifying potential customers of the product or the service, the method comprising:

determining a set of criteria questions identified as being important in determining whether to attempt to sell the product or the service to the potential client;

determining a set of possible answers to each of the criteria questions;

assigning a respective weighting factor to each criteria question;

assigning a respective weighting factor to each possible answer for a criteria question;

determining answers to each of the criteria questions; and

calculating a qualifying score,

wherein the qualifying score is used to determine whether to attempt to sell the product or the service to the potential customer (see response to claim 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7,30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro in view of official notice.

In regards to claims 5-7, 30-32, Shapiro teaches analyzing feedback from weighted question, but does not specifically mention the specific calculation for determining scoring as is reflected in claims 5-7, 30-32. The examiner takes official notice that the features in the instant claims for determining a score from weighted data were old and well known in art at the time of the invention. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Shapiro the weighting and calculating features as are found in the instant claims, because these calculation were well known statistical standards that are used to increase the reliability or normalize data, thus producing more accurate results in the prediction.

Response to Arguments

Applicant's arguments with respect to claims 1,2,5-7,28-33 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Fadok

Primary Examiner